

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, JUNE 11, 2001

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Borys, Kreider, Raser, Senhauser, Spraul-Schmidt and Wallace present. Mr. Dale and Ms. Sullebarger were absent.

MINUTES

The minutes of December 4, 2000, were approved (motion by Spraul-Schmidt second by Raser). The minutes of May 7, 2001, were approved (motion by Spraul-Schmidt second by Borys).

CERTIFICATE OF APPROPRIATENESS, 515-519 MILTON STREET, PROSPECT HILL HISTORIC DISTRICT

Staff member Caroline Kellam incorporated into the record a letter from Vernon Rader, 506 Milton Street, and Mark Bernhardt supporting this project that came before the HCB on October 16, 2000, as a preliminary design review. When it came before the HCB on May 21, 2001, the motion to accept the staff report was tabled. Ms. Kellam updated the Board on background information for the application and said that notices of this meeting were sent three weeks in advance to abutting property owners and those who testified at the May 21, 2001 HCB hearing. She said notice of today's meeting was e-mailed to the neighborhood association that then circulated additional notices. Architect Don Beck held a meeting at his office for abutting property owners and attended a Prospect Hill Neighborhood Association meeting June 5, 2001 when the plan was discussed.

Ms. Kellam discussed changes noted in the staff report that have been made to the plan in response to HCB and neighbors' concerns. Only one variance, for a rear yard setback of 10.75 feet instead of the required 15.5 feet, is now needed.

She introduced the architects Don Beck and Eric Puryear. The owners Kim Klosterman and Michael Lowe were also present.

Mr. Beck discussed revisions made in response to suggestions from the HCB and neighbors, including:

1. Redesign of the garage doors from metal to single panel wood and setting them 12 inches into the wall
2. Addition of a fourth bay in the garage section of the front elevation and alignment of the windows with the garage doors
3. Change to 1 over 1 double-hung sashes on the front façade as found in many older buildings, with a brick rowlock course below
4. Redesign of fascia detail to a simple, stepped-out corbel
5. Subdivision of fixed glass above entry

6. Driveway revised to brick pavers
7. Flashing at top of brick wall eliminated
8. Single pier support for rear balcony moved eastward 2.5 feet to protect existing stone retaining wall
9. Increased front setback at the garage section to 42 inches to reduce mass and align with adjacent building
10. Redesigned rear railing and redesigned rear base from concrete block to brick.

In response to points raised in a June 4, 2001 letter from the Prospect Hill Neighborhood Association, Mr. Beck pointed out

1. There is no reason garages should be allowed on one side of the street but not the other.
2. The owners purchased the former Decker Alley from the City with no restrictions; therefore, there are no restrictions on their property rights.
3. The rear portion of the addition and the glass in it will be visible from Decker Alley.
4. The fiber-cement Hardiplank proposed for portions of the façades and window trim is frequently accepted for new construction in historic districts.
5. The mass of the building fits the rhythm of the street.
6. The new construction will have metal frame windows.
7. The existing tree is damaged and must be removed; it does not affect the retaining wall and can be replaced.
8. Plans add only two sinks and one shower; a four-family could be built on this lot.
9. The retaining walls all belong to the owner; if the walls are damaged, the owner must repair them.
10. No water retention areas will be lost, nor will the drainage on the hillside be increased because the roofs will collect water and direct it to the sewer; the loss of green space is a result of an owner's right to build upon his property.

Mr. Beck explained that the addition is two-story; however, because of the 4-foot height of the front parapet, zoning rules it is a three story. The taller façade is for design purposes so the building will blend with the height of the surrounding buildings; if it were not there, no zoning variances would be required for the building.

Ms. Nell Surber, 525 Milton Street; owner Kim Klosterman; and Dr. Larry Eynon, 550 Liberty Hill, spoke in favor of the proposed addition.

Ms. Kay Steinmetz, 424 Liberty Hill spoke against the project; she expressed concern about contemporary construction in historic neighborhoods and tree loss in the neighborhood.

Ms. Sara Young, 513 Milton Street; said the hillside on which her house is located has shifted in the past and expressed concern that it may shift again after the addition is made at 515 Milton Street.

Mr. Ian Thocking, 519 Boal Street, said his property extends to Milton Street but that neither he nor other Boal Street neighbors whose property extends to Milton Street were notified of this hearing. He said he is concerned about the size of the proposed addition.

Mr. Les Bradford, 457 Milton Street, questioned whether the existing basement kitchen will be removed (The owner said it will be.) and showed a computer rendition of the proposed addition as it will appear as one looks up Liberty Hill. He also expressed concern about public property that has been sold to private owners and may be scheduled for future development.

Mr. Ron Tisue, 516 Corporation Alley, spoke for himself and his wife; he presented these points: 1) Will the tree be preserved? 2) In the past he has had two instances of sewage leaking through his basement wall as a result of plumbing problems at 515 Milton Street; the sewer line from 515 Milton Street goes through his yard and along the edge of his house. He sought assurance that plumbing will be properly installed during construction. 3) The revised design for the project is a great improvement over the previous one. 4) The distance from the edge of the proposed deck to the property line.

Mr. Tom Hadley had signed up to speak but had already left the meeting. A summary of his concerns included the mass of the addition and setting a precedent for more contemporary buildings in a historic district.

Mr. Doug Spitz, 545 Milton Street and 340 Boal Street spoke in favor of the proposal.

Mr. Bradford Dale, 424 Liberty Hill, said he is in favor of putting a large house in the neighborhood and likes the design but finds it too contemporary, especially the rear elevation, for the neighborhood.

Mr. Senhauser clarified with Mr. Beck that the variance sought for the rear setback is 10.0 feet from the deck to the property line and 15.3 feet from the body of the house to the property line. The house is 3 inches closer to the property line and the deck is 5.5 feet closer than zoning permits; the method for these calculations is explained in the staff report. Mr. Raser clarified that no zoning variances are needed were it not for the parapet wall on the front elevation. Mr. Beck assured him that appropriate soil engineering and test borings will be done by a geo-technical engineer and that the footings for the foundation wall will be properly installed. The new foundation wall will be 17.5 feet from the west property line.

Mr. Kreider moved, Mr. Bloomfield seconded and the Board voted unanimously to remove the motion of May 21, 2001, from the table. The motion, as amended (motion by Dale second by Spraul-Schmidt), was discussed.

Mr. Raser commended the community interest in this project and the architect's careful attention to proper technical input for the project. He said the issue here is largely aesthetic and that the zoning issues are minor. Mr. Bloomfield agreed, saying that this neighborhood was once much denser than it is now; he stated that the variance being granted is minimal and pointed out that denying it would deny the property owner the privilege to develop their property, a privilege many other neighbors have enjoyed. He said 1/1 windows on the front elevation are historically accurate and that many styles of window exist on Liberty Hill. Ms. Borys commended the clarity and quality of the elevations presented today.

BOARD ACTION

The Board voted unanimously to:

1. Approve a Certificate of Appropriateness for the construction of a two-story addition along the east elevation of 515 Milton Street with the final plans and any revisions to be reviewed by the Urban Conservator prior to issuing a Certificate of Appropriateness and a building permit.
2. Approve a rear yard setback variance allowing encroachment of the rear deck into the required rear yard no closer than 10 feet from the rear property line as shown on the site plan dated June 11, 2001, and finding that such relief from the literal implication of the Zoning Code:
 - a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - c) Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located.

CERTIFICATE OF APPROPRIATENESS, APPROVAL OF A DEVELOPMENT PLAN AND ZONING VARIANCE, 1120 JACKSON STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Urban Conservator William Forward presented a development plan for use of this non-contributing building in a T-zone as a nightclub and to grant a variance for nightclub use on two floors. This variance would run with the business, not the building. He also presented two alternative designs for renovation previously approved by the HCB; the new design adds a single doorway to the approved plan. Windows on the alley for which reopening has already been approved will remain closed.

Mr. Forwood said both the OTR Chamber of Commerce and Community Council were notified; neither commented.

BOARD ACTION

Mr. Kreider recused himself from consideration of this item. The Board voted unanimously (motion by Spraul-Schmidt second by Borys) to:

1. Approve the Muller Associates/Karma Night Club development plan for the property at 1120 Jackson Street, as described in the letter of application, for the use of the building as an "eating and drinking place" with the following conditions:
 - a) That the proposed use shall be established substantially in accordance with the plats, plans and other data submitted to the Board in this application.
 - b) That all detailed plans for changes to the exterior of the building shall be submitted to and approved by the Urban Conservator or Historic Conservation Board through Certificates of Appropriateness.

- c) That any new development plans for transitional use of this property shall be submitted for the Board's review if the proposed project described in this application is dropped.
2. Approve a Variance to the Application Review Guidelines for this R-7(T) district to permit the building to be used in its entirety by the night club, finding that such relief:
 - a) is necessary to provide the owner a recoverable rate of return on the real property where the denial thereof would amount to a taking of the property of the owner without compensation and
 - b) will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located.
3. Approve a Certificate of Appropriateness for the replacement of the existing garage door on the front of the building with a storefront system to match the rest of the building.
4. Direct staff to forward the necessary documentation to the Director of Buildings and Inspections to permit the establishment of the nightclub as proposed in this application.

**DOWNTOWN DEVELOPMENT VARIANCE AND CERTIFICATE OF
APPROPRIATENESS, 129-131 WEST NINTH STREET, NINTH STREET
HISTORIC DISTRICT**

Mr. Forwood said that the owner has applied for a revocable street privilege, currently under City review, and provided additional information on this item, including a more detailed landscape plan and a sample of the fence and gate fabrication, as the HCB stipulated when it tabled this item on March 12, 2001. He explained that staff has recommended enlarging the planting bed and increasing the number and size of plants screening the parking lot.

BOARD ACTION

The Board voted unanimously (motion by Spraul-Schmidt second by Kreider) to accept the staff recommendation to:

1. Grant a variance of Section 1443-408(h) – Fencing of Surface Parking Lots, to allow the installation of the proposed 7-foot high fence and 8-foot 4-inch high auto gates and not require a fence along the east right of way line of Britt Alley, finding that it is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic, architectural, or aesthetic integrity of the district; and will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located.
2. Find that the fence and gates meet the intent of the historic district guidelines for the Ninth Street Historic District with the condition that 3-foot high yews be planted approximately every 3 feet along the fence.

3. Approved a Certificate of Appropriateness for the installation of the proposed fence at 129-131 West Ninth Street as per the submitted plans.

CERTIFICATE OF APPROPRIATENESS, DEMOLITION OF A NON-CONTRIBUTING BUILDING AT 2328 AUBURN AVENUE, AUBURN AVENUE HISTORIC DISTRICT

Staff member Caroline Kellam distributed photos of the now-vacant building, formerly housing medical offices. Until a new office building for the Hamilton County Mental Health Board is constructed within the next three to five years, the property will become a parking lot adjacent to an existing parking lot. She said the HCB has reviewing rights upon the construction of the new building because it is in the historic district.

BOARD ACTION

The Board voted unanimously (motion by Kreider second by Spraul-Schmidt) to approve the demolition of 2328 Auburn Avenue and the proposed site plan for surface parking and landscaping with the understanding that a new building on the site must be reviewed and approved by the Historic Conservation Board.

CERTIFICATE OF APPROPRIATENESS, 316 PIKE STREET, LYTLE PARK HISTORIC DISTRICT

Mr. Forwood said the design guidelines for the Lytle Park Historic District refer only to the compatibility of an addition or building change that affects the Park. He said one addition, a porch on the north side, may be visible from the Park but that most of the work will be out of the sight lines from the Park. If, as has been proposed, the City partially funds the construction of a parking facility at the rear of the building, the HCB will review the entire project under section 106. For this reason, he suggested the Board may consider this a preliminary design review for the entire project and an opportunity for Board input into the design.

Barrett Burdick, AIA, KZF Design, Inc., presented the elevations of this project that will approximately double the size of the galleries and exhibition space. Additional parking and catering facilities are important components. He explained how the renovation will upgrade the whole museum to be more efficient and attractive. Some parking, truck docks and mechanical components, will be below ground.

Mr. Bloomfield suggested the design for the addition mimics the existing but does not add new interest. He requested more detailed plans for a tented catering area that may be in place five months out of the year. Mr. Raser sought assurance that the north elevation pediment will be retained. Mr. Senhauser reminded everyone that this may come back as a 106 review so today's comments should be incorporated into the evolving design. Mr. Kreider pointed out that, since the carriage house is part of the original property, its demolition must be considered if the Board undertakes further review.

BOARD ACTION

After discussion, the Board voted unanimously (motion by Spraul-Schmidt second by Kreider) to accept the staff recommendation to approve a Certificate of Appropriateness for the proposed alterations and additions to the Taft Museum, 316 Pike Street, in the Lytle Park Historic District, on the condition that all final plans be consistent with the submitted schematic design documents and be submitted to the Urban Conservator for review and approval.

OTHER BUSINESS

UPDATE ON THE OVER-THE-RHINE (NORTH) HISTORIC DISTRICT DESIGNATION

The committee studying the proposed OTR (North) guidelines (that includes Ms. Spraul-Schmidt, Ms. Sullebarger and Ms. Wallace) met with Mr. Forwood to discuss recommendations. The designation study is scheduled to be presented to the Board at its July 23, 2001 meeting.

There were comments on the draft designation. Mr. Senhauser suggested the guidelines should be continually reviewed. It is the opinion the City Solicitor's office, that the language, "...the Board may approve or delay demolition..." is enforceable. Language referring to minimum maintenance in historic districts is already in the Code and enforceable.

Ms. Kellam said it is possible to ruin the historic integrity of a building without adding on to it, and Ms. Cowden said the OTR Housing Sub-Committee is also discussing the impact of an OTR (North) district.

Mr. Kreider raised the issue of the degree of scrutiny the HCB should exercise. The committee suggests that the guidelines include some reference to work on existing buildings. Ms. Spraul-Schmidt and Mr. Kreider suggested more control over remodeling by incorporating "changes to character-defining features" in the section on new construction. Mr. Senhauser pointed out that City Council usually approves recommendations that come from the HCB and CPC. Ms Kellam reminded the Board that, if the OTR (North) District Guidelines are enacted, the public, press, interested parties, etc. must be made aware there are now *two* sets of guidelines for *two* districts.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned (motion by Kreider second by Spraul-Schmidt).

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date